

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

VERIZON COMMUNICATIONS, INC. et al,
T-MOBILE US, INC., ET AL.

Defendants.

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CASE NO. 2:23-CV-00352-JRG-RSP
CASE NO. 2:23-CV-00379-JRG-RSP

**Final Pretrial Conference
MAG. JUDGE ROY PAYNE PRESIDING
June 5, 2025**

OPEN: 9:02 a.m.

ADJOURN: 5:04 p.m.

ATTORNEYS FOR PLAINTIFF: See attached.

ATTORNEY FOR DEFENDANTS: See attached.

LAW CLERK: Greg Saltz

COURT REPORTER: Dana Hayden

COURTROOM DEPUTY: Wendy Asbel

Court opened. Case called. Andrea Fair introduced co-counsel and announced ready. Tom Gorham introduced co-counsel and announced ready.

The Court asked if the parties had any issues to add to the agenda. Kristopher Davis mentioned the outstanding issue of indemnification relating to Google and Apple witness. Josh Krevitt requested the opportunity to provide a brief argument with respect to claim construction issues and brought up the issue regarding MIL 4.

The Court heard Defendants' objections to Plaintiff's exhibits. Adam Hoffman and Mr. Davis argued for Plaintiff. Rob Vincent and Andrew Robb argued for Defendants. The Court made rulings.

After the break, the Court continued hearing argument on the objections to Plaintiff's exhibits. Mr. Robb, Hannah Bedard, and Charles Simm argued for Defendants. Adam Hoffman and Mr. Davis argued for Plaintiff. The Court made rulings.

Following the lunch break, the parties continued argument on the exhibits. Mr. Davis argued for Plaintiff. Mr. Vincent argued for Defendants.

The parties then argued Plaintiff's objections to Defendants' exhibits. Mr. Davis and Mr. Hoffman argued for Plaintiff. Kate Dominguez, Mr. Vincent, and Mr. Robb argued for Defendants. The Court made rulings.

The Court mentioned the importance of keeping the same exhibit numbers even though there are large gaps in them. The Court asked counsel to review their lists and submit to each other by Tuesday of next week their final pre-admitted exhibits, confer about them, and file them into the record as agreed final exhibit lists by Friday of next week. If necessary, the Court will provide a date to take up any disputes or redactions the parties may have.

The Court then addressed first-day deposition designations. Mr. Hoffman and Mr. Davis responded. Mr. Davis identified the witnesses. Mr. Vincent and Mr. Simm replied.

After the break, Ms. Bedard addressed Defendants' remaining objections to the deposition designations. Mr. Davis responded. Mr. Simm replied. The Court made rulings.

The Court proposed taking up the remaining issues on Wednesday, June 18, which is currently set aside for a hearing in the Headwater v. Samsung case, 2:23-cv-00641. The parties agreed. Mr. Krevitt suggested that there are certain issues that could benefit with additional discussion and addressed MIL 4 and Mr. Russell's testimony. Mr. Davis responded.

Mr. Davis addressed the issue regarding the requested jury instruction for Apple and Google witnesses and provided the names. The Court addressed the indemnification issue regarding the financial interests. Deron Dacus responded and asked the Court to defer this matter so that counsel can meet and confer. The Court agreed to address the issue at the next hearing.

Next, Mr. Hoffman addressed other objections to Verizon witnesses mentioned earlier. Mr. Vincent responded. The Court added the matter to the agenda for the next hearing.

The Court inquired about Plaintiff's Exhibit 26, the email. Mr. Robb responded that the issue has been resolved.

The Court asked if counsel would like to switch to issues that are solely T-Mobile issues. Mr. Hoffman responded on behalf of Plaintiff. Mr. Krevitt responded on behalf of Defendants and addressed the issue regarding the claims term "interception." Ms. Fair asked the Court for an opportunity to respond to Mr. Krevitt, if more needs to be addressed, within 2 days of receiving the transcript. The Court was satisfied that everything required on this issue was in the briefing.

The Court asked counsel if there was anything in the Headwater/T-Mobile pretrial order that we need to address. Mr. Vincent and Mr. Davis responded.

The Court then turned to motions *in limine*. Mr. Hoffman responded. Mr. Vincent and Ms. Dominguez replied.

The Court will attempt to take up the remaining issues at the Headwater/Samsung 641 hearing set for June 18.